MANITOBA TREATY LAND ENTITLEMENT (TLE)

Manitoba

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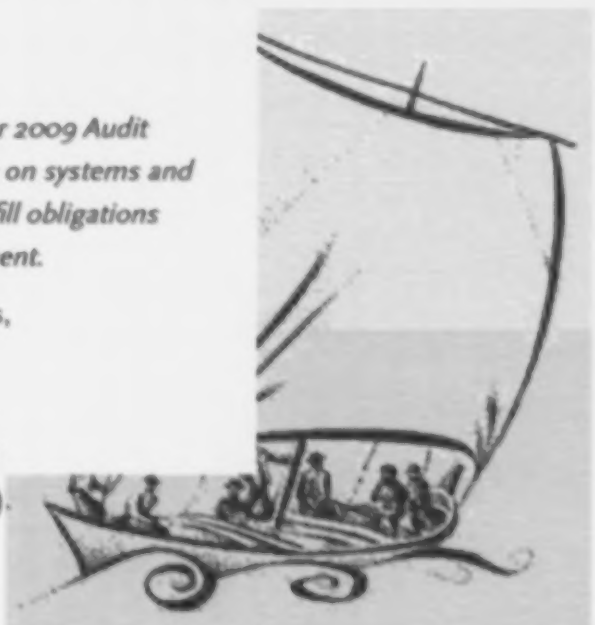
Historical Perspective

Canada entered into various Treaties with Indian Bands in Manitoba. They are: Treaty 1 through Treaty 6, Treaty 5 Adhesion and Treaty 10, established between 1871 and 1910. The Treaties provided that Canada would set aside a calculated amount of land as reserve land based on populations at the time of the original reserve surveys. Not all Indian Bands received their full amount of land. Thus, Canada owed land to specific First Nations under the terms of the original Treaties.

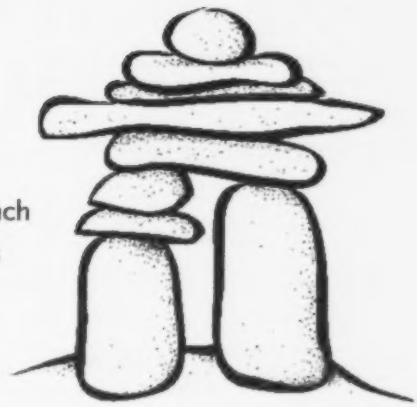
Manitoba's participation in the Treaty Land Entitlement (TLE) results from provincial obligations to Canada under the 1929/30 Manitoba Natural Resources Transfer Agreement (MNRTA). Under the MNRTA, Canada transferred the control and administration of all unoccupied Crown lands to Manitoba. The MNRTA requires that Manitoba set aside sufficient unoccupied Crown land toward the settlement of Canada's outstanding TLE obligations. TLE is a constitutional obligation confirmed as Schedule 1 of the Constitution Act, 1982.

TLE – Provincial Commitments and Statements

- Manitoba's Minister of Aboriginal and Northern Affairs (ANA) supported the federal (Indian and Northern Affairs Canada) commitment (Aug 2006) to create 150,000 TLE acres of reserve land each year for four years in Manitoba.
- Premier's news release (June 2007).
- 2007 Throne Speech.
- *Office of the Auditor General November 2009 Audit Report- findings and recommendations on systems and practices developed by Manitoba to fulfill obligations under the 1997 TLE Framework Agreement.*
- Standing Committee of Public Accounts, November 2010.
- News release, June 2011 **(http://www.gov.mb.ca/chc/press/top/2011/06/2011-06-30-134000-11913.html)**.



TLE Agreements



Manitoba Aboriginal and Northern Affairs, Agreements Management Branch has the lead provincial role in the negotiation and implementation of TLE agreements. The branch works in partnership with Conservation Lands and Geomatics Branch (Lands) to co-ordinate participation of appropriate provincial departments in TLE agreement implementation.

Under the nine TLE agreements covering 29 Entitlement First Nations (EFNs), Manitoba is obligated to transfer to Canada 1,423,110 acres (including residual interests in acquisition lands).

To date, under all TLE agreements in Manitoba, a total of 582,635 acres have been transferred by Manitoba to Canada with 565,934 acres set apart as reserve

There are currently 29 Manitoba First Nations (Bands) with TLE claims validated by Canada. They include:

1. Long Plain First Nation
2. Swan Lake First Nation
3. Roseau River Anishinanbe First Nation
4. Garden Hill First Nation
5. St. Theresa Point First Nation
6. Red Sucker Lake First Nation
7. Wasagamack First Nation
8. Peguis First Nation
9. Barren Lands First Nation
10. Northlands First Nation
11. Brokenhead Ojibway Nation
12. Buffalo Point First Nation
13. Fox Lake First Nation
14. God's Lake First Nation
15. God's River First Nation
16. Marcel Colomb First Nation
17. Mathias Colomb Cree Nation
18. Nelson House Cree Nation
19. Norway House Cree Nation
20. Opaskwayak Cree Nation
21. O-Pipon-Na-Piwin Cree Nation
22. Oxford House First Nation
23. Rolling River Anishinabe First Nation
24. Sapotaweyak Cree Nation
25. Wuskwi Sipihk First Nation
26. Sayisi Dene First Nation
27. Shamattawa First Nation
28. War Lake First Nation
29. York Factory First Nation

There are 21 Entitlement First Nations (EFNs) under the 1997 Manitoba Framework Agreement (MFA) http://www.tlec.ca/. Six First Nations have yet to sign their Treaty Entitlement Agreement (TEA). The MFA involves 985,949 acres of Crown land and the acquisition of 114,677 acres of other (acquired) land. The six EFNs that have not signed a TEA represent 137,529 acres or approximately 14 per cent of the MFA Crown entitlement acres.

To date, 450,609 acres of the total 985,949 entitlement acres of Crown land have been converted to reserve land under the MFA.

To date, 8,546 acres of the total 114,677 entitlement acquired acres have been acquired and 3,125 acres have been set apart as reserve land under the MFA.

Manitoba Framework Agreement – Treaty Land Entitlement – Manitoba Crown Land

Entitlement First Nation (EFN)	Crown Land Entitlement Acres	Total Acres Selected	Reserve Land Designation
Barren Lands	66,420	28,252	0
Brokenhead	4,344	4,276	672
Buffalo Point	3,432	2,667	2,370
Bunibonibee	35,434	35,210	31,342
God's Lake	42,600	41,077	16,190
Manto Sipi	8,725	9,965	4,284
Mathias Colomb	217,364	183,049	172,538
Nisichawayasihk	61,761	72,736	33,816
Northlands	94,084	56,602	4,134
Norway House	104,784	106,036	33,165
Opaskwayak	47,658	46,906	24,375
Rolling River	2,356	2,351	2,351
Sapotaweyak	108,134	112,782	99,702
War Lake	7,156	5,452	480
Wuskwi Sipihk	44,168	44,347	25,190
Subtotal	848,420	751,710	450,609

Manitoba Framework Agreement –Treaty Land Entitlement – Unsigned EFNs

Entitlement First Nation	Crown Land Entitlement Acres
Fox Lake	26,391
Marcel Colomb	17,007
O-Pipon-Na Piwin	17,674
Sayisi Dene	22,372
Shamattawa	24,912
York Factory	29,173
Subtotal	137,529

Manitoba Framework Agreement – Treaty Land Entitlement – Acquired Lands

Entitlement First Nation (EFN)	"Other Land" Amount in Acres	Total Acquired Acres	Reserve Land Designation
Brokenhead	10,137	7	7
Buffalo Point	607	70	0
Opaskwayak	8,410	185	0
Rolling River	44,756	6,151	3,118
Sapotaweyak	36,045	2	0
Wuskwi Sipihk	14,722	2,131	0
Subtotal	114,677	8,546	3,125

Three TLE settlement agreements were signed between Canada and the First Nations between 1994 to 1996. The agreements are for acquisition lands (55,690 acres) and do not involve any Crown lands. To date, 17,890 acres have been purchased with 10,756 acres set apart as reserve.

- Long Plain First Nation
- Swan Lake First Nation
- Roseau River First Nation

Four First Nations in the Island Lake area are entitled to 100,000 acres of Crown land. (1994)

- Garden Hill First Nation
- St. Theresa Point First Nation
- Red Sucker Lake First Nation
- Wasagamack and First Nation

Island Lake Area - Treaty Land Entitlement – Manitoba Crown Land

Entitlement First Nation	Crown Land Entitlement Acres	Total Acres Selected	Reserve Land Designation
Garden Hill	45,339	53,263	43,530
Red Sucker Lake	9,487	9,585	8,917
Wasagamack	13,610	13,642	13,642
St. Theresa Point	34,908	35,310	35,310
Subtotal	103,344	111,800	101,261

The Peguis Treaty Entitlement Agreement was executed on April 29, 2008. Under the agreement, Peguis is entitled to 55,038 acres of Crown land and 111,756 acres of acquisition land. To date, Peguis has selected 25,995 acres of Crown land and has not yet made any acquisitions.

General land selection and acquisition principles under the 1997 Manitoba Framework Agreement and 2008 Peguis Agreement include the following:

- An EFN may select Crown land or acquire other land from its Treaty area or traditional territory within the province.
- An EFN may select Crown land from outside its Treaty area or traditional territory but within the province where, on a case-by-case basis, it can establish a reasonable social or economic development objective. Manitoba must concur with the EFN selection (Manitoba will not unreasonably withhold concurrence).
- An EFN may acquire land from outside its Treaty area or traditional territory but within the province where, on a case-by-case basis, it can establish a reasonable social or economic development objective.
- In general, parcels of land selected will be 1,000 acres or more in size, except:
  - where suitable Crown land is not available in the location preferred by the EFN
  - where the land is located in reasonable proximity to a reserve of the EFN
  - where the purpose of a selection for historical, cultural, economic or social reasons necessitates a smaller parcel (A written statement by the EFN outlining reasons for a selection of less than 1,000 acres may be requested.)
- Land may be selected or acquired where the owner or lawful user of another parcel of land is not deprived of access to that other parcel.

Crown land selections must be completed within three (3) years of the ratification of an EFN's Treaty Entitlement Agreement (TEA). Land acquisitions must be completed within fifteen (15) years of TEA ratification. In both cases, two additional one-year periods may be provided should an EFN not be able to select/acquire all of its land within the time given.

Third-Party Interests

As per the 1997 Manitoba Framework Agreement and the 2008 Peguis Treaty Entitlement Agreement:

- A Third Party is any individual, corporation (Including a Crown corporation), partnership, trust, joint venture, unincorporated association, northern community or First Nation and their respective heirs, successors, legal representatives and permitted assigns (other than Canada, Manitoba, the TLE Committee, any EFN, or trustees under Individual EFN Trust Agreements).
- A Third Party Interest means any interest, right or estate of any nature held in or to land by a Third Party, or any right of use or occupation of land, other than outright ownership.

Methods by which Third Party Interests may be addressed include the following:

- A Third Party Interest may be purchased by an EFN.
- The Third Party may consent to the cancellation of its interest.
- The Interest may continue until it expires.
- Where the Interest is under a permit, license, lease or other authorization issued by Manitoba, it may be withdrawn, cancelled or not renewed by Manitoba if the land use is not as intended, or if the Third Party fails to meet any applicable conditions or requirements.
- The Interest may be replaced with another or may be resolved in any other way to which Canada, Manitoba, the EFN and theThird Party may agree.

Implementation Monitoring Committee – 1997 Manitoba Framework Agreement

The Implementation Monitoring Committee (IMC)is intended to assist with Framework Agreement implementation.

The IMC is comprised of five members, consisting of two representatives appointed by the Treaty Land Entitlement Committee (TLEC), one representative appointed by Canada and one representative appointed by Manitoba and an independent chairperson.

The Implementation Monitoring Committee shall be generally responsible for facilitating the implementation of the MFA and any Treaty Entitlement Agreements, including monitoring of the progress of implementation and making recommendations to the parties for the resolution of any issue or matter in dispute.

Where the IMC is unable to resolve an issue, they may refer it to the Senior Advisory Committee (SAC) with recommendations on how to resolve the issue. The SAC consists of the Regional Director General of Indian and Northern Affairs Canada (Manitoba region), the Deputy Minister of Manitoba Aboriginal and Northern Affairs, and the TLE Committee of Manitoba Inc. President.

Where SAC members do not agree on an appropriate method of dispute resolution, they may refer the matter to various alternatives, which include adjudicator review, mediation, non-binding arbitration and binding arbitration.

IMC link http://www.tleimc.ca/

Tax Loss Compensation

The intent of tax loss compensation is to address loss of a tax base for municipalities affected by TLE. It originally applied only to municipalities affected by Schedule B Entitlement First Nations (EFN) under the Manitoba Framework Agreement (1997). In 2006, Manitoba's compensation package expanded to include municipalities affected by the Roseau River, Long Plain and Swan Lake First Nations TLE Treaty #1 Settlement Agreements, including Peguis First Nation (2008).

TLE Resources:

1997 Manitoba Treaty Land Entitlement Framework Agreement

2008 Peguis First Nation Agreement

Land Transfer and Reserve Creation Manual

Municipal Development and Service Agreement Manual

For more information on hydroelectric development, treaty land entitlement and other land and natural resources-related settlement agreements, please contact Agreements Management Branch at 204-945-2510.

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